

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:	§	
Herman E. Hoffman	§	CASE NO. 16-32617
Debtor	§	Chapter 12

TRUSTEE'S AMENDED MOTION TO DISMISS OR CONVERT

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THIS MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS MOTION WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE U.S. BANKRUPTCY JUDGE:

David G. Peake, Chapter 12 Trustee ("Trustee"), in the above styled case, moves the Court to dismiss this case and in support thereof would show the following:

1. A voluntary Chapter 12 bankruptcy petition was filed by Herman E. Hoffman, ("Debtor") on May 19, 2016.
2. The Debtor has failed to file monthly operating reports.
3. The Debtor has not filed a confirmable plan.
4. The Debtor has caused unreasonable delay that is prejudicial to creditors.
5. Debtor is not acting in good faith in the prosecution of this case.
6. Trustee further reserves the right to amend this motion to address other potential deficiencies in Debtor's case.

Wherefore, the Trustee requests this Court to dismiss this case or convert this case to another chapter and to grant him such other and further relief to which he may be entitled.

Respectfully submitted,

/s/ Richard W. Aurich, Jr.

Richard W. Aurich, Jr. / TX Bar No. 00792339

9660 Hillcroft, Suite 430

Houston, TX 77096

Tel: 713-283-5400 / Fax: 713-852-9084

Attorney for David G. Peake, Chapter 12 Trustee

CERTIFICATE OF SERVICE

A copy of foregoing Motion to Dismiss or Convert was served via U.S. Mail on January 10, 2017 on all parties listed below.

Herman E. Hoffman
9950 League Line Rd.
Conroe, TX 77304

William A. Whittle
5151 Flynn Parkway, Ste 308
Corpus Christi, TX 78411

/s/ Richard W. Aurich, Jr.

Richard W. Aurich, Jr.